

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
vs.) Case No.
) 17-cv-00939-WHA
UBER TECHNOLOGIES, INC.;)
OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
)
Defendants.)
)
)
)

HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY

VIDEOTAPED DEPOSITION OF

OGNEN STOJANOVSKI, ESQ.

San Francisco, California

Thursday, July 20, 2017

Volume I

Reported by:
MARY J. GOFF
CSR No. 13427
Job No. 2663397
PAGES 1-321

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1 copy. So what is your relationship to Sandstone 09:16:48
2 Group, LLC? 09:16:49
3 A I'm its manager and general counsel. 09:16:51
4 Q When did you become Sandstone Group, LLC's 09:16:54
5 manager and general counsel? 09:16:56
6 A At its formation in the summer of 2012. 09:16:59
7 [REDACTED] 09:17:15
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
11 Q So that's your -- that's your -- 09:17:16
12 A That's my personal residence, and I have a 09:17:18
13 home office there as well. 09:17:20
14 Q I would like to direct your attention 09:17:22
15 to -- let's see. It's the "Definitions" page. If 09:17:25
16 you could turn to -- it's -- it's numbered "No. 1." 09:17:31
17 A Yeah. 09:17:39
18 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
23 [REDACTED] 09:17:48
[REDACTED]
[REDACTED] 09:17:55

1	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
16	Q Who is that?	09:19:34
17	A John Gardner.	09:19:35
18	Q Anyone else?	09:19:37
19	A No.	09:19:37
20	Q Directing your attention to the next page	09:19:40
21	of Exhibit 323, do you see No. 4 here refers	09:19:44
22	to "Nunnemaker & Associates, Inc."?	09:19:49
23	Did I pronounce that correctly?	09:19:52
24	A Probably. That's how I pronounce it.	09:19:56
25	Q What is Nunnemaker & Associates?	09:19:59

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1	[REDACTED]	[REDACTED]
	[REDACTED]	09:23:37
3	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
12	Q Directing your attention to the next	09:24:00
13	definition here on this Subpoena to Sandstone,	09:24:07
14	"Narwhal" means Narwhal Energy, LLC.	09:24:12
15	Do you see that?	09:24:15
16	A Yes.	09:24:19
17	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	09:24:33
20	Q Does Narwhal Energy, LLC have any	09:24:39
21	employees?	09:24:43
22	A No, it does not.	09:24:43
23	Q Does it have any officers?	09:24:44
24	A I am the manager. That qualifies as an	09:24:51
25	officer. I'm the manager of Narwhal.	09:24:55

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1	[REDACTED]	[REDACTED]
	[REDACTED]	09:32:51
7	[REDACTED]	[REDACTED]
	[REDACTED]	09:33:58

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1	[REDACTED]	09:34:03
2	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
10	[REDACTED]	09:34:17
	[REDACTED]	[REDACTED]
20	Q Did you ask John Gardner why he asked you	09:35:00
21	to be the manager of Sandstone Group?	09:35:04
22	A I did not ask John Gardner why he chose me	09:35:10
23	to be the manager of Sandstone Group.	09:35:14
24	Q Do you know why he chose you to be the	09:35:17
25	manager of the Sandstone Group?	09:35:19

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1 Sandstone Group, right? 09:37:48

2 A I had not met John Gardner before he 09:37:48

3 called me. 09:37:50

4 Q So -- so my question is: Why -- why did 09:37:51

5 he think to call you? 09:37:54

6 MR. SAWYER: Objection, form. 09:37:56

7 MS. RAY: Join. 09:37:58

8 A He told me that he had gotten my name from 09:38:02

9 Anthony Levandowski. 09:38:06

10 Q And what else do you remember about that 09:38:11

11 conversation when he called you? 09:38:14

12 A He called me to tell me that he was in the 09:38:15

13 process of forming an investment company and asked 09:38:20

14 if I would be interested in being his manager. That 09:38:26

15 was the gist of the first conversation. 09:38:30

16 [REDACTED] 09:39:07

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1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] 09:39:36
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] 09:39:43
11 Q Was that conversation in person or over 09:39:46
12 the phone? 09:39:48
13 A I think it was in person. 09:39:51
14 Q Where did that conversation take place? 09:39:54
15 A It took place in Berkeley, California. 09:39:58
16 Q Why in Berkeley? 09:40:07
17 A I'm trying to remember. It was either at 09:40:08
18 his house or at the initial offices of Odin Wave, 09:40:11
19 which is 2201 Dwight Way. 09:40:15
20 THE COURT REPORTER: Of? 09:40:17
21 A Huh? It was either his -- 09:40:20
22 THE COURT REPORTER: It was? 09:40:20
23 A -- Odin Wave, O D I N W A V E, which is 09:40:20
24 2201 Dwight Way, in Berkeley. 09:40:26

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1	Q (BY MR. JUDAH) Has Anthony ever --	09:40:30
2	Levandowski ever lied to you?	09:40:32
3	A Not that I know of.	09:40:35
4	Q Are you aware of him ever lying to anyone	09:40:40
5	else?	09:40:43
6	A Am I aware of him lying to anyone else?	09:40:43
7	No. No.	09:40:47
8	Q So to the best of your recollection,	09:40:49
9	Anthony Levandowski has never, as far as you're	09:40:51
10	aware, lied to anyone?	09:41:00
11	MR. SAWYER: Objection, form.	09:41:01
12	A I don't -- I don't personally know if	09:41:05
13	Anthony has ever lied to anyone.	09:41:08
14	Q Do you consider Anthony Levandowski to be	09:41:10
15	an honest person?	09:41:12
16	A Yeah, I would say Anthony is an honest	09:41:15
17	person.	09:41:21
18	Q Do you consider Anthony Levandowski to be	09:41:22
19	an ethical person?	09:41:23
20	A Yes, I do. Yes, I consider Anthony to be	09:41:29
21	ethical.	09:41:33
22	Q When Anthony Levandowski told you he did	09:41:33
23	not have any ownership interest in the Bismuth	09:41:36
24	Trust, you believed him, correct?	09:41:38
25	A Yes.	09:41:40

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HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY

1	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	09:43:09
5	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	09:43:26
9	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
17	Q That would be, in fact, the first	09:43:48
18	dishonest act that Mr. Levandowski ever did that you	09:43:51
19	would be aware of, right?	09:43:54
20	A Yeah. Yes.	09:43:59
21	Q Directing your attention back to	09:44:05
22	Exhibit 323, I want to ask you about -- let's see --	09:44:06
23	No. -- no. 4. It says --	09:44:15
24	A Sure.	09:44:18
25	[REDACTED]	09:44:19

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1 Q -- do you remember what specifically was 10:17:12
2 discussed, beyond the fact that it was about 10:17:15
3 Sandstone Group investments, in any of your 10:17:18
4 communications with Mr. Levandowski about Sandstone 10:17:20
5 Group investments? 10:17:22

6 A Well, it's the same stuff that I 10:17:27
7 mentioned. I have talked to him about real-estate 10:17:30
8 investments. I have talked to him about Tyto. And 10:17:37
9 I know I have talked to him about Narwhal as well. 10:17:50
10 So I mean, it's -- I -- I don't recall specific 10:17:53
11 conversations, but yeah, I have touched on those 10:17:55
12 subjects regarding Sandstone investments with him. 10:17:59

The figure displays a series of horizontal bars, likely representing time intervals or events. Each bar is composed of a thick black line with a yellow circular endpoint. Some bars also feature a small black square marker near their start or end. The bars are arranged vertically, with a gap between the first and second bars. The timeline is indicated by a vertical gray line on the left side. The bottom right corner of the visualization contains the text '10:18:53'.

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20

10:19:01

10:20:38

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY

1	[REDACTED]	[REDACTED]
	[REDACTED]	10:24:49
7	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	10:24:57
10	[REDACTED]	[REDACTED]
	[REDACTED]	10:25:12
15	Q Has Anthony Levandowski ever asked you to	10:25:14
16	keep a secret?	10:25:16
17	A Has he ever asked me to keep a secret?	10:25:18
18	MR. SAWYER: Objection, form.	10:25:21
19	A -- he might have. I can't recall a	10:25:25
20	secret that he has asked me to keep.	10:25:29
21	[REDACTED]	[REDACTED]
	[REDACTED]	10:25:49